

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of)	
)	
Request for Waiver by)	
)	
Hasbrouck Heights School District)	
Hasbrouck Heights, New Jersey)	File No. SLD-261183
)	
Federal-State Joint Board on)	
Universal Service)	CC Docket No. 96-45
)	
Changes to the Board of Directors of the)	
National Exchange Carrier Association, Inc.)	CC Docket No. 97-21

ORDER

Adopted: March 12, 2003

Released: March 13, 2003

By the: Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has before it a request by Hasbrouck Heights School District (Hasbrouck), Hasbrouck Heights, New Jersey, to waive the filing deadline for the Funding Year 2001 FCC Form 471 established by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ For the reasons set forth below, we deny the request.

2. In its Waiver Request, Hasbrouck concedes that it filed its FCC Form 471 outside the filing window for Funding Year 2001 FCC, but asks for a waiver of the filing deadline for four reasons: 1) a new employee submitting the application was not familiar with the process; 2) it never received written confirmation that its FCC Form 470 had been accepted; 3) it had difficulty trying to submit the FCC Form 471 electronically; and 4) it should not be stopped from several years of successful program participation by an "honest mistake."²

3. Consistent with past precedent, we reject Hasbrouck's arguments for a waiver. The Commission may waive its rules, but only where special circumstances warrant a deviation from the general rule, and the circumstances Hasbrouck submits do not rise to the level of special circumstances.³ With respect to Hasbrouck's first argument, applicant confusion about the

¹ Letter from Joseph Bellino, Hasbrouck Heights School District, to the Federal Communications Commission, filed February 19, 2002 (Waiver Request); 47 C.F.R. § 54.719(c).

² Waiver Request, Attachment 2; FCC Form 471, Hasbrouck Heights School District, filed (postmarked) January 22, 2001. The postmark deadline was January 18, 2001. See SLD web site, What's New, <<http://www.sl.universalservice.org/whatsnew/112000.asp>>.

³ 47 C.F.R. § 1.3; see also *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio*, 418 F.2d 1153, 1158 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972).

program's requirements is not grounds for a waiver of the filing window.⁴ We also reject Hasbrouck's second contention. Merely stating that a letter was not received at the address provided to SLD and to which prior correspondence had been successfully mailed is insufficient grounds for waiver.⁵ Further, this information was available both through SLD's web site, and through its toll-free number.⁶ In addition, lack of Internet access does not provide grounds for relief because information is alternately available through a toll-free telephone number.⁷ Finally, continued financial need does not meet the requirement of special circumstances that warrant a waiver of the Commission's rules.⁸

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that the Waiver Request filed by Hasbrouck Heights School District, Hasbrouck Heights, New Jersey, on February 19, 2001 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

⁴ See *Request for Waiver by Dermott Special School District, et al, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-252777, CC Docket Nos. 96-45 and 97-21, Order, DA 02-643 (Com. Car. Bur. rel. Mar. 19, 2002) at 3.

⁵ *Request for Review by Indianapolis Marion County, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-331522, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd. 19527 (Wireline. Comp. Bur. 2002) (*Indianapolis Marion Order*).

⁶ See SLD website, at http://www.sl.universalservice.org/Search_FundYear_Select.asp. Instructions, forms and filing date information can be obtained by calling SLD's Client Service Bureau at 888-203-0733.

⁷ *Indianapolis Marion Order*.

⁸ See *Request for Review by Northern Waters Library Service, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-183124, CC Docket Nos. 96-45 and 97-21, Order, DA 02-227, para. 7 (Com. Car. Bur. rel. Jan. 30, 2002) (denying a request for waiver of the Commission's rules based on the assertion that denial would cause the applicant hardship).